

### REMARKS

Claims 1-2, 4-5, and 22-24, as amended, and new claims 25-37 are pending in this application. In this Response, Applicants have amended certain claims because Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, claims 1 and 22 have been rewritten to clarify the invention. In addition, various dependent claims have been rewritten to maintain consistency with the independent claims. Finally, new claims 25-37 have been added to recite additional embodiments not yet recited, which are supported by the Written Description as follows:

<u>Claim(s)</u>	<u>Support in Written Description</u>
25	Page 44, lines 12-15
26	Page 54, lines 5-10
27	Page 54, lines 27-29
28	Page 55, lines 5-7
29-30	Page 57, lines 7-35
31	Page 37, lines 11-12
32-33	Page 19, lines 15-24
34-36	Page 58, lines 21-26
37	Page 23, lines 5-7

As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

### REJECTION UNDER 35 U.S.C. § 112

Claim 6 was rejected under 35 U.S.C § 112, second paragraph, as being indefinite for the reasons stated on page 2 of the Office Action. In light of the cancellation of claim 6, Applicants respectfully submit that the rejection is moot. Furthermore, Applicants notes that the typographical error that previously existed in non-cancelled claim 6 does not appear in any of the pending claims.

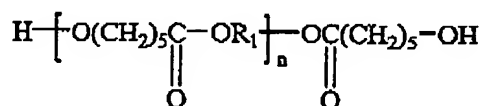
Thus, Applicants respectfully request reconsideration and withdrawal of the § 112 rejection.

### REJECTIONS UNDER 35 U.S.C. §§ 102 & 103

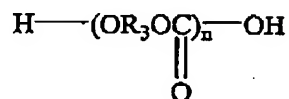
Claims 1-3 and 24-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2002/0193181 to Kennedy *et al.* In addition, the Examiner rejected claims 1-3 and 24-27 under 35 U.S.C. § 103(a) as being obvious over Kennedy in view of Hewitt *et al.* (U.S. Patent No. 4,248,432) or Holloway (U.S. Patent No. 4,349,657) or Dewanjee (U.S. Patent No. 6,117,024). Furthermore, claims 1-5 and 24-27 were rejected under 35 U.S.C. § 103(a) as being obvious over Kennedy in view of Dewanjee and the Polyurethane Handbook. The Examiner also rejected claims 1-3 and 24-27 were rejected under 35 U.S.C. § 103(a) as being obvious over Sullivan *et al.* (U.S. Patent No. 5,803,831) in view of Hewitt or Holloway or Dewanjee. Finally, claims 1-5 and 24-27 were rejected under 35 U.S.C. § 103(a) as being obvious over Sullivan in view of Dewanjee and the Polyurethane Handbook. Applicants respectfully submit that no combination of the cited references anticipates or renders obvious the present invention for at least the reasons that follow.

The present invention now recites a thermoplastic composition for either a layer between the core and the cover (claim 1) or the cover (claim 22) that includes p-phenylene diisocyanate and at least one hydroxy-terminated curing agent including a polycarbonate polyol. As recognized by the Examiner, the primary references (Kennedy and Sullivan) do not disclose the details of the components of the polyurethane composition. Office Action at Pages 4-5. As such, the Examiner also appears to recognize that these references do not even suggest the use of a polycarbonate polyol as a curing agent.

And, while some of the secondary references cited by the Examiner generally disclose other types of polyols for use in polyurethane compositions, a skilled artisan would not have been motivated to substitute the presently recited polycarbonate polyol for the other types of polyols without the use of improper hindsight. For example, Dewanjee generally suggest polyurethanes including polycaprolactone polyols (Col. 12, lines 19-21), however, as shown below, the structure of this polyol is different from the polycarbonate polyol presently recited:



*Polycaprolactone polyol*



*Polycarbonate polyol*

*See, e.g.,* Page 22, line 11 to Page 23, line 7.

Thus, Applicants respectfully submit that the cited references do not disclose or suggest the present invention. As such, Applicants respectfully request reconsideration and withdrawal of the §§ 102 and 103 rejections based thereon.

### CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response one month to and including September 26, 2005. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin LLP Deposit Account No. 195127, Order No. 20002.0302.

Respectfully submitted,  
SWIDLER BERLIN LLP

Dated: September 26, 2005

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# Confirmation Report

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